

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended): A tissue shaping instrument, comprising:
 - a proximal controlling end;
 - a distal effector end;
 - an elongate portion connecting the distal effector end to the proximal controlling end, the elongated portion being of sufficient length to enable an operator to access an interior of a hollow organ of a subject with the distal effector end while the proximal controlling end remains outside of the subject;
 - a first tissue engaging device disposed on the distal effector end and operably connected to the proximal controlling end, the first tissue engaging device being structured for releasably engaging at least the inner surface of the hollow organ ~~and manipulating the tissue thus engaged;~~
 - a second tissue engaging device also disposed on the distal effector end and operably connected to the proximal controlling end, the second tissue engaging device comprising opposed articable arms with a tissue piercing element disposed at a distal end of at least one said arm, said articable arms each configured being structured for (a)-releasably engaging the interior of the hollow organ, and with said second tissue engaging device being moveable (b)-moving relative to the first tissue engaging device,
 - wherein the proximal controlling end of the instrument is structured to actuate the tissue engaging device devices.
2. (Original): The tissue shaping instrument of claim 1, wherein the instrument is an endoscopic instrument.
3. (Original): The tissue shaping instrument of claim 1, further comprising a tissue securing device disposed at the distal effector end and operably connected to the proximal controlling end.

4. (Original): The tissue shaping instrument of claim 3, wherein at least one tissue fixation device is configured to be loaded into the tissue securing device by a person using the device.

5. (Currently Amended): A tissue shaping instrument comprising
a proximal controlling end;
a distal effector end;
an elongate portion connecting the distal effector end to the proximal controlling end, the elongated portion being of sufficient length to enable an operator to access an interior of a hollow organ of a subject with the distal effector end while the proximal controlling end remains outside of the subject;

a first tissue engaging device disposed on the distal effector end and operably connected to the proximal controlling end, the first tissue engaging device being structured for releasably engaging at least the inner surface of the hollow organ ~~and manipulating the tissue thus engaged so as to reconfigure a portion of at least the interior of the hollow organ;~~

a second tissue engaging device also disposed on the distal effector end and operably connected to the proximal controlling end, the second tissue engaging device comprising opposed articuable arms with a tissue piercing element disposed at a distal end of at least one said arm, said articuable arms each configured ~~being structured~~ for

(a) releasably engaging the interior of the hollow organ and for manipulating tissue thus engaged so as to reconfigure a portion of the interior of at least the interior of the hollow organ,

(b) moving together relative to the first tissue engaging device, and

(c) working cooperatively with a tissue securing device; and

a tissue securing device disposed at the distal effector end and operably connected to the proximal controlling end, wherein the tissue securing device is effective for fixing tissue of the hollow organ in a reconfigured state; ~~by at least one of the first tissue engaging device and the second tissue engaging device;~~

wherein the proximal controlling end of the instrument is structured to actuate the tissue engaging device devices and the tissue securing device.

wherein the controlling end of the instrument is structured to actuate the tissue engaging device and the tissue securing device.

6. (Original): The instrument of claim 5 wherein the instrument is an endoscopic instrument.
7. (Original): The tissue shaping instrument of claim 5 wherein either or both the first tissue engaging device and the second tissue engaging device comprises a jawed clamp.
8. (Original): The tissue shaping instrument of claim 5 wherein at least one of the first tissue engaging device and the second tissue engaging device comprises a corkscrew-like retractor.
9. (Original): The tissue shaping instrument of claim 5 wherein the tissue securing device comprises a stapler.
10. (Original): The tissue shaping instrument of claim 9 wherein the stapler comprises a one-sided stapler.
11. (Original): The tissue shaping instrument of claim 5 wherein the tissue securing device comprises a device structured for delivering at least one biocompatible tissue fixation device into a tissue.
12. (Original): The tissue shaping instrument of claim 11 wherein the at least one tissue fixation device is selected from the group consisting of a staple, a clip, a tack, a rivet, a two-part fastener, a helical fastener, a suture, and a T-bar suture.
13. (Original): The tissue shaping instrument of claim 11 wherein the at least one tissue fixation device is a staple.
14. (Original): The tissue shaping instrument of claim 11 wherein the at least one tissue fixation device is a two-part fastener.
15. (Original): The tissue shaping instrument of claim 11 wherein the at least one tissue fixation device is a suture.

16. (Original): The tissue shaping instrument of claim 11 wherein the at least one tissue fixation device is a T-bar suture.
17. (Original): The tissue shaping instrument of claim 5 wherein either or both the first tissue engaging device and the second tissue engaging device is non-piercing.
18. (Original): The tissue shaping instrument of claim 5 wherein at least part of the elongated portion is flexible.
19. (Original): The tissue shaping instrument of claim 5 further comprising a viewing endoscope.
20. (Original): The tissue shaping instrument of claim 5 further comprising at least one working channel.
21. (Original): The tissue shaping instrument of claim 5 wherein the instrument is sterilized.
- 22-23. (Canceled).
24. (Currently Amended): An apparatus, comprising:
means for transorally engaging a plurality of regions of stomach tissue with a plurality of members from within the stomach, at least one of the members configured to move toward another member to reconfigure tissue, wherein the plurality of members include a first member having a first securing part configured to engage a first stomach tissue section and a second member having a second securing part configured to engage a second stomach tissue section, said means comprising an actuating mechanism operatively linking the first and second members to facilitate simultaneous dependent movement of said members to draw together the first and second stomach tissue sections; and
means for pulling tissue located between the plurality of regions of tissue prior to engaging the plurality of regions of tissue.

25. (Currently Amended): The apparatus of claim 24 wherein the first securing part and the second securing part comprise tissue engaging means ~~plurality of members include a first member having a first securing part configured to engage a first tissue section and a second member having a second securing part configured to engage a second tissue section.~~

26. (Currently Amended): The apparatus of claim 25 ~~[[24]]~~ wherein the tissue engaging means includes a corkscrew element.

27. (Currently Amended): The apparatus of claim 25 ~~[[24]]~~ wherein the tissue engaging means includes a clamping device.

28. (Currently Amended): The apparatus of claim 25 ~~[[24]]~~ wherein the tissue engaging means includes a suction device

29. (Currently Amended): The apparatus of claim 25 ~~[[24]]~~ wherein the tissue engaging means includes a grasping device.

30. (Original): The apparatus of claim 24 further comprising a means for securing the reconfigured tissue.

31. (Original): The apparatus of claim 30 wherein the securing means includes one or more of: a staple, a clip, a tack, a rivet, a two-part fastener, a helical fastener, a suture, a T-bar suture, and a tissue adhesive.

32. (Original): The apparatus of claim 30 wherein the securing means is biocompatible.

33. (Original): The apparatus of claim 30 wherein the securing means is non-resorbable.

34. (Original): Apparatus comprising:
an elongated member configured for transoral placement in the stomach and having a distal region including first and second movable members configured to be moved toward one another to reconfigure stomach tissue, the distal region being steerable as a unit, and
means for deploying an implant from at least one of the members to secure the reconfigured tissue.
35. (Original): The apparatus of claim 34 wherein the first movable member includes a first securing part configured to engage a first tissue section and the second movable member includes a second securing part configured to engage a second tissue section.
36. (Original): The apparatus of claim 34 wherein the elongated member includes a corkscrew element.
37. (Original): The apparatus of claim 34 wherein the elongated member includes a clamping device.
38. (Original): The apparatus of claim 34 wherein the elongated member includes a suction device.
39. (Original): The apparatus of claim 34 wherein the elongated member includes a grasping device.
40. (Original): The apparatus of claim 34 wherein the deploying means includes a distal end effector configured to contact the reconfigured stomach tissue.
41. (Original): The apparatus of claim 40 wherein the distal end effector includes at least one tissue fixation device.

42. (Original): The apparatus of claim 41 wherein the distal end effector is configured for application of the at least one tissue fixation device into the reconfigured stomach tissue.
43. (Original): The apparatus of claim 40 further comprising a means for controlling the distal end effector.
44. (Original): The apparatus of claim 43 wherein the controlling means is disposed at a proximal end of the apparatus and is operatively connected to the distal end effector.
45. (New): The tissue shaping instrument of claim 1, further comprising:
a first actuating mechanism cooperating with the first tissue engaging device, said first actuating mechanism being controllable by a user at said proximal controlling end; and
a second actuating mechanism cooperating with the second tissue engaging device and operatively linking the articulable arms to facilitate simultaneous dependent movement of said arms, said second tissue engaging device being controllable by a user at the proximal controlling end.
46. (New): The tissue shaping instrument of claim 45, wherein the first actuating mechanism comprises a control cable cooperating with a biasing member.
47. (New): The tissue shaping instrument of claim 46, wherein the biasing member is a leaf spring.
48. (New): The tissue shaping instrument of claim 45, wherein the second actuating mechanism comprises a biasing member acting between said articulable arms and a pair of control cables cooperating with said biasing member.
49. (New): The tissue shaping instrument of claim 1, further comprising a tissue grasper disposed on a distal end of the articulable arm opposite said tissue piercing element.

50. (New): The tissue shaping instrument of claim 1, further comprising a suction device disposed on a distal end of the articuable arm opposite said tissue piercing element.
51. (New): The tissue shaping instrument of claim 1, further comprising a tissue piercing element at the distal end of each said articuable arm.
52. (New): The tissue shaping instrument of claim 51, wherein said tissue piercing elements comprise a coil with a sharp distal tip.